IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.359 OF 2005

Vrunda widow of Damodar
Tambe and Anr. ..Petitioners

Vs.

Dinesh Radharaman
Pathak & Anr. ...Respondents

....

Mr. P.G.Karande Advocate for Petitioners
Mr. R.Satyanayanan for Respondent no.1
Mr. M.S.Mhambary A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JUNE 23,2005

P.C.

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of process issued by the learned Metropolitan Magistrate, 23rd Court, Esplanade, Mumbai in C.C.No.167/S of 2003.

In the said case process is issued under Sections 465, 467, 471 r.w. 34 of IPC.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my view, it is clear that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. Stay to the proceedings before the trial Court for a period of four weeks from today.

5. The learned advocate for the respondents fairly states that no objection will be raised in respect of delay in filing the revision application before the Sessions Court.

6. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

7. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]